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REMARKS

Claims 1, 14, and 27-31 remain pending in the application including independent claims 1 and 27. Claims 2-13 and 15-26 have been cancelled. New dependent claims 32 and 33 have been added.

The amendments to claims 14 and 27-31 are not related to any rejections or objections set forth in the subject official action. These claims have only been amended to provide consistent terminology throughout the claims.

Claims 14 and 30 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the examiner argues that the specification does not disclose the escalator machine being covered entirely on all sides by steel sheet modules. Applicant respectfully disagrees.

Figure 11 shows one side of an escalator with a steel sheet covering the escalator machine. One of ordinary skill in the art would understand that the other side of the escalator would have a corresponding structure to cover the other side of the escalator machine. Thus, applicant asserts that the rejection under 35 U.S.C. 112, first paragraph, is improper and requests that the rejection be withdrawn.

Claims 1, 14, and 27-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gschwendtner 6,374,981. The steel sheet, as set forth in claim 1, covers an escalator machine and has a top edge, a bottom edge and two side edges extending between the top edge and the bottom edge, respectively, wherein the steel sheet presents a continuous, unbroken and generally planar exterior surface from the top edge to the bottom edge and between the side edges. Gschwendtner clearly does not disclose, suggest, or teach this combination of features.

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The examiner admits that Gschwendtner does not disclose the steel sheet being continuous and unbroken. The examiner argues that Gschwendtner describes the embodiment of Figure 8 as a solid plate. While Gschwendtner does state that Figure 8 shows a wall support having a solid plate mode of construction, this does not mean that the plate has a continuous unbroken exterior surface as defined in claim 1. Figure 8 clearly shows that the supplemental wall supports 21 have openings 22 that extend through the plate from an exterior surface to an interior surface. Thus, there is no teaching in Gschwendtner of a steel sheet that presents a continuous, unbroken and generally planar exterior surface from the top edge to the bottom edge and between the side edges.

Further, the examiner has not provided any arguments, i.e. has not provided any motivation or suggestion, to explain why one of ordinary skill in the art would modify Gschwendtner to utilize a steel sheet as set forth in claim 1. Thus, the examiner has failed to provide prima facie support to render claim 1 obvious.

Claim 14 includes the feature that the module is welded to other portions of the rise along edges of the steel sheet such that the module extends along the rise a distance sufficient to cover the entire escalator machine. The examiner admits that Gschwendtner does not disclose this feature but argues that Gschwendtner teaches that screw connections could be replaced by welds at column 3, lines 44-46. The examiner further argues that it would have been obvious to weld the plate onto the rise along the edges because "it facilitates another attachment means for a solid plate wall." Applicant respectfully disagrees.

Column 3, lines 44-46, specifically indicates that welding can be used to replace screws in the embodiment of Figures 4 and 5. There is no reference linking welding to the embodiment

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of Figure 8. Further, there is absolutely no teaching in Gschwendtner of welding a steel sheet as defined in the subject claims along edges of the steel sheet.

Gschwendtner actually teaches away from an edge attachment configuration for a steel sheet. As set forth at column 1, line 65 to column 2, line 3, the benefits of Gschwendtner are achieved by providing a supplemental wall support that is flange-mounted to each of the two basic wall supports to provide a double wall support that increases rigidity. In Figure 9 Gschwendtner discloses how the embodiment of Figure 8 is flange-mounted to the basic wall supports with screw connections 24. There is no disclosure of welding the embodiment of Figure 8 along edges as set forth in claim 14.

Finally, the examiner has not provided any arguments, i.e. has not provided any motivation or suggestion, to explain why one of ordinary skill in the art would modify Gschwendtner to weld a steel sheet along edges of the sheet as set forth in claim 14. The examiner has pointed to no teaching in Gschwendtner of any particular benefit to using welding along edges. In addition, there is nothing in Gschwendtner that would have led one of ordinary skill in the art to believe that the steel plate of Figure 8 was in any way deficient for Gschwendtner's purposes or was in need of modification, especially as the Gschwendtner plate was specifically designed to achieve a beneficial flange-mounting structure. One of ordinary skill in the art would have found no reason, suggestion, or incentive for attempting to combine these references so as to arrive at the subject matter of claim 14 other than through the luxury of hindsight accorded one who first viewed applicant's disclosure.

For the reasons set forth above with regard to claims 1 and 14, Gschwendtner also does not render claims 27-31 obvious. Thus, applicant asserts that the obviousness rejection of claims

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1, 14, and 27-31 based on Gschwendtner alone is improper and respectfully requests that the rejection be withdrawn.

Claims 1 and 27-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kneipp in view of Gschwendtner. Specifically, the examiner argues that it would have been obvious to have made the Kneipp wall panels out of the steel sheets as taught by Gschwendtner. Applicant disagrees.

As set forth at column 1, lines 17-24, Kneipp's goal was to decrease the weight of the escalator to reduce manufacturing and assembly costs. Kneipp accomplished this goal by constructing an escalator "with a low weight in that the elements of construction for producing the supporting frame work structure consist of tubular elements" Column 1, lines 41-43.

The examiner is proposing to utilize steel sheets as taught by Gschwendtner in the support structure of Kneipp. This proposed modification would clearly defeat the benefits achieved by Kneipp with regard to the specific escalator support structure because such a modification would increase the overall weight of the escalator. In other words, the examiner's modification would render Kneipp unsatisfactory for Kneipp's intended purpose. The examiner's proposed modification cannot render the prior art unsatisfactory for its intended purpose. See MPEP 2143.01. Thus, the rejection of claims 1 and 27-31 under 35 U.S.C. 103(a), based on Kneipp as modified with Gschwendtner, is improper and applicant respectfully requests that the rejection be withdrawn.

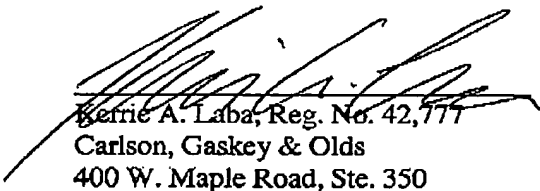
Applicant asserts that all claims are in condition for allowance and requests an indication of such. Applicant believes that no additional fees are necessary, however, the Commissioner is

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authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for
any additional fees or credit the account for any overpayment.

Respectfully submitted,


Kerrie A. Laba, Reg. No. 42,777
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on January 28, 2005.


Laura Combs